



09-19-01

A

PATENT APPLICATION

J1046 U.S. PRO
09/954744
09/18/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 30311/37747

CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request under 37 CFR 1.53 for filing a

continuation application.
 divisional application.

1. Particulars of Prior Application

Application Serial No: 09/531,863
Filed on: March 21, 2000
Title: Method for Screening for Unknown Organisms
Art Unit: 1655
Examiner: E. Whisenant
Prior Docket No.: 30311/0079

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **September 18, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL 564 460 754 US.


Richard Zimmermann

2. This request is filed by:

1. Full Name of Inventor	Family Name Gruber	First Given Name Lewis	Second Given Name G.
Residence & Citizenship	City Chicago	State or Foreign Country Illinois	Country of Citizenship USA
Post Office Address	Post Office Address 400 East Randolph Apt 3911	City Chicago	State & Zip Code/Country Illinois/60611/USA
2. Full Name of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country
3. Full Name of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. **Amendments**

- Amend the specification by inserting before the first line the sentence:
--This is a **continuation** of U.S. application Serial No. 09/531,863, filed March 21, 2000 which issued as U.S. Patent No. 6,291,186 on September 18, 2001.--
- Cancel claims _____ in the prior application before calculating the filing fee.
- A Preliminary Amendment is enclosed.
- The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. **Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

5. **Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. **Priority**

- Priority of application No. _____, filed on _____ in _____ is claimed under 35 USC 119.
- The certified copy(ies) was(were) filed in prior U.S. application Serial No. _____.
- The certified copy(ies) has(have) not been filed.

7. **Assignment**

- The prior application is assigned of record to Hyseq, Inc., and has been recorded at Reel No. 6818, Frame No. 0927.

8. **Small Entity Status**

- Applicant claims small entity status. See 37 CFR 1.27.
- A small entity statement is(are) attached.

9. Application to Be Published

Yes.

No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

10. Fee Calculation

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$355.00		\$710.00
TOTAL	10 -20	= 0	X 9 =	\$	X 18 =	\$
INDEP.	1 - 3	= 0	X 40 =	\$	X 80 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$	+ 270 =	\$
			Filing Fee:	\$355.00	OR	\$

11. Method of Payment of Fees

Attached is a check in the amount of: \$355.00

Charge Deposit Account No. 13-2855 in the amount of: \$ _____
A copy of this Transmittal is enclosed.

12. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

13. Correspondence Address

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN
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(312) 474-6300
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By:


Nabeela R. McMillian
Reg. No: 43,363

September 18, 2001